IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

WEDNESDAY, THE 31ST JANUARY 2007 / 11TH MAGHA 1928

WP(C).No. 28677 of 2006(L)

PETITIONER:

GANGADHARAN,
LAKSHMISREE HOUSE, KALAMANDAPAM,
PALAKKAD DISTRICT.

BY ADV. SRI.P.N.PURUSHOTHAMA KAIMAL
SRI.ANILKUMAR.K.N.PILLAI

RESPONDENTS:

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1. STATE OF KERALA, REP. BY
CHIEF SECRETARY, SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE CUSTODIAN OF VESTED FOREST &
CONSERVATOR OF FOREST, VESTED FOREST CIRCLE,
OLAVAKKODE, PALAKKAD DISTRICT.

3. THE DIVISIONAL FOREST OFFICER,
SPECIAL DIVISION, OLAVAKKODE, PALAKKAD.

ADDL.R4

4. T.S.VENKATACHALAIYER,
S/O LATE SUBRAMANYAN IYER, 7/163,
SIVAKASI STREET, THAREKKADU
(Impleaded vide order dated 4.12.2006 in I.A.16078/2006)

BY SPECIAL GOVERNMENT PLEADER SUSEELA R. BHATT

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 31/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1- TRUE PHOTOCOPY OF THE DEED NO.2051/83 OF THE PETITIONER DATED 25.4.83

EXT.P2- TRUE PHOTOCOPY OF THE DEED NO.2213/83 OF THE PETITIONER'S PREDECESSOR DATED 30.4.83

EXT.P3- TRUE PHOTOCOPY OF THE POSSESSION CERTIFICATE OF PETITIONER'S PREDECESSOR DATED 18.11.78

EXT.P4- TRUE PHOTOCOPY OF THE JUDGMENT OF MFA NO.654/88 AND 814/88 PASSED BY THE HON'BLE HIGH COURT OF KERALA DATED 19.2.1998

EXT.P5- TRUE PHOTOCOPY OF THE ORDER OF THE HON'BLE SUPREME COURT IN SLP DATED 24.11.98

EXT.P6- TRUE PHOTOCOPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE 3RD RESPONDENT DATED 18.8.06

EXT.P7- TRUE PHOTOCOPY OF THE JUDGMENT IN W.P.(C).NO.16833/05 OF HON'BLE HIGH COURT OF KERALA DATED 6.10.2006.

(TRUE COPY)

P.A TO JUDGE

THOTTATHIL B. RADHAKRISHNAN,J.

W.P.(C).NO.28677 OF 2006

DATED THIS THE 31st DAY OF JANUARY,2007

JUDGMENT

This matter essentially arises from O.A.No.471 of 76 of the Forest Tribunal and Ext.P4 appellate judgment of this Court. Any further action on the basis of those judgment could gain appropriate attention only at the hands of the Forest Tribunal. This is more so because the interests of the State, including the appropriate management of the forest, have to be secured. The petitioner's grievance can therefore be agitated before the Forest Tribunal. Without prejudice to the right of the petitioners to move the Forest Tribunal, this Writ Petition is dismissed.

THOTTATHIL B.RADHAKRISHNAN,
JUDGE.

dvs